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BEFORE THE

Federal Communications Commission RECEIVED

2. Land mobile communications is a vital part of NSP's ability to deliver safe and reliable energy to the public. Mobile and portable radio is used for field dispatch of electric and gas crews in addition to supporting plant security at two nuclear generating plants. Mobile and portable communications support emergency response to gas leaks, electrical outages and the safety needs of field crews, collection personnel and meter readers.

II.
**HEIGHT ABOVE AVERAGE TERRAIN (HAAT)/EFFECTIVE
RADIATED POWER (ERP) RESTRICTIONS**

3. The Commission's proposal to implement severe restrictions on ERP and HAAT in order to allow for expanded channel reuse is well-meaning, but inflexibly drafted, and will certainly harm NSP, non-urban licensees, and the public interest if enacted in its present form.

4. First, the Commission's proposal fails to recognize, and make room for, the extensive differences between congested and uncongested areas. Most rural areas, including where NSP operates, do not have the type of extensive spectrum congestion problems that plague, for example, the Los Angeles area. If NSP is forced to reduce

HAAT and ERP in the name of efficiency, the end result will be that NSP will have to purchase and install additional systems just to properly serve its original coverage area. Such a change would be inefficient and prohibitively expensive, therefore failing to provide NSP, or the public interest, with any apparent benefit.

5. Second, the Commission's proposal does not recognize that systems in hilly or mountainous regions absolutely cannot function properly within the proposed HAAT/ERP restrictions. Again, as mentioned above, in order to comply with the proposed restrictions and meet coverage area realities, licensees would be forced to install, at great expense, additional transmitters and towers.

6. Consequently, for the reasons stated above, NSP opposes the Commission's strict HAAT/ERP restrictions as unworkable and damaging to NSP and other licensees which operate wide area systems in uncongested areas or hilly and mountainous terrain. The end result of forcing these inflexible restrictions on rural and "difficult terrain" areas would be the de facto creation of cellular-like systems in areas that can ill-afford them. This is simply not acceptable. Many non-urban and difficult terrain licensees are running -- without interference -- efficient,

effective, and uncomplicated wide area systems or systems which must use elevated towers or high powered directional antennas in order to meet the challenges presented by providing service in an area full of peaks and valleys.

7. The regulatory uniformity which the Commission seeks to impose cannot work for the thousands of "non-uniform" systems operating nationwide.

8. As an alternative, NSP strongly urges the adoption of the Land Mobile Communications Council's (LMCC) proposed "safe harbor" table.^{1/}

9. The LMCC table meets the Commission's objective of providing opportunities for expanded channel reuse through a sliding scale of HAAT/ERP combinations.^{2/} This flexibility provides licensees with the crucial ability to meet the unique operating conditions that each of their coverage areas present. Further, NSP strongly supports LMCC Consensus Plan's idea of allowing an entity to submit coverage maps in order to justify its need for a power level

^{1/} Consensus Plan Development By the Land Mobile Communications Council To Introduce Greater Efficiencies in PLMRS Bandwidths and Power Levels, PR Docket No. 92-235, at 17. (Hereinafter "LMCC Consensus Plan").

^{2/} Id at 17-20.

that does not fall within the safe harbor table.^{3/} If undue interference would not be caused by operating at that power level, and minimum coverage is impossible without operation at the requested levels, this "justification" process would provide a suitable mechanism for addressing situations not contemplated by the table.

10. Finally, regarding HAAT/ERP, NSP would like to reiterate that it fully supports the Commission's desire to create a more efficient operating environment. NSP's main concern is that the Commission's proposal, in its current form, causes harm to the Commission's goal. Consequently, NSP strongly urges the Commission to adopt the LMCC alternatives to the HAAT/ERP restrictions listed above.

III.
POTENTIAL IMPACT OF
THE COMMISSION'S NPRM ON NSP

with regard to the NPRM not satisfying the diverse requirements of individual private radio users. NSP emphatically agrees with UTC's recommended approach to relief of spectral crowding in the top 100 metropolitan areas while allowing users outside these areas where congestion is not a problem to migrate gracefully toward spectral efficiency.

12. In recognition of the need to ease congestion in the Land Mobile Service operating below 512 MHz, NSP has taken proactive measures to migrate its metropolitan area

equipment replacement cycles and new technology needs, cost and availability are more in synch.

14. Were the NPRM adopted as written and uniformly applied throughout NSP's service territory, the following compliance actions and costs are anticipated in meeting 1996 requirements:

<u>Compliance Action</u>	<u>Cost</u>
• 35 additional repeater sites required	\$5,137,00
• deviation reductions for: 442 mobiles	26,520
75 base/repeaters	18,750
623 portables	<u>24,920</u>
TOTAL	\$5,207,190

15. Given that existing radios will not be capable of meeting the ultimate frequency deviation goals set forth in the NPRM, the following additional "new technology" costs are anticipated by NSP for uniform compliance by 2004:

• purchase and install of: 442 mobiles	\$1,418,820
(digital technology) 75 base/repeaters	762,750
623 portables	<u>2,134,398</u>
TOTAL	\$4,315,968

16. NSP expects that few of these changes will result in the relief of spectral congestion, the improvement of service to the public or in NSP's ability to provide a safer work environment for employees. Rather, that these changes

will be the minimum required to continue existing levels of communication support and come into compliance with the proposed regulations.

III.
CONCLUSION

NSP joins UTC and others in applauding the Commission's initiative to chart the course for more effective and efficient use of the frequency bands below 512 MHz. NSP is also appreciative of the opportunity to provide Reply Comments in full support of the UTC Comments related to this NPRM and respectfully requests that the Commission consider the diversity of all users in providing a transition considerate of both stability requirements and resource amortization.

Respectfully submitted,

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